

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Civil Writ Petition No. 5506/2025

Narendra Singh Parihar, Aged About 48 Years, R/o. Near Chopasani School, Hospital Road, Chopasani, Jodhpur, Rajasthan.

-----Petitioner

Versus

1. State Of Rajasthan, Through The Secretary, Elementary Education Department, Government Of Rajasthan, Jaipur.
2. The Director, Elementary Education Department, Directorate, Rajasthan, Bikaner.
3. The District Education Officer (Hq), Elementary Education, Jodhpur.
4. The District Education Officer (Hq), Secondary Education, Jodhpur Rural, Jodhpur.

-----Respondents

For Petitioner(s)	:	Mr. Pramendra Bohra
For Respondent(s)	:	Mr. N. K. Mehta, Dy.GC assisted by Mr. Vaibhav Bang Mr. Digvijay Singh Sodha

HON'BLE MR. JUSTICE VINIT KUMAR MATHUR

Order

18/07/2025

1. Heard learned counsel for the parties.
2. The present writ petition has been filed against the order dated 27.02.2025, whereby, a charge-sheet has been served upon the petitioner.
3. Learned counsel for the petitioner submits that the petitioner is working on the post of Teacher Grade-III Level-2 and has been discharging his duties satisfactorily, however, he was served with a charge-sheet dated 27.02.2025 by the respondent No.4- District

Education Officer (HQ), Secondary Education, Jodhpur Rural, Jodhpur. Learned counsel further submits that the petitioner is serving under the District Education Officer, Elementary Education and, therefore, the charge-sheet cannot be served under the signatures of District Education Officer (HQ), Secondary Education. Learned counsel also submits that the District Education Officer (HQ), Secondary Education has no jurisdiction to issue the charge-sheet to the petitioner.

4. Learned counsel for the petitioner further submits that in the year 2023, when the Government has issued form No.10, the details mentioned therein clearly disclose the fact that the petitioner's initial appointment was in the Panchayati Raj Department. In response to the question regarding whether the employee has been selected for 6D selection, it is reflected 'No' in form, therefore, there is no reason for the petitioner to disbelieve the fact that the petitioner continues to serve under the District Education Officer, Elementary Education. He, therefore, prays that the present writ petition may be allowed and the charge-sheet dated 27.02.2025 issued under the signatures of District Education Officer, Secondary Education may be quashed and set aside.

5. Per contra, learned counsel for the respondents vehemently argued that by virtue of the order dated 15.06.2015, the services of the petitioner stood absorbed from Elementary Education to Secondary Education, however, learned counsel for the respondents are not in a position to refute the submission that the petitioner was informed by any communication about his services being absorbed from Elementary Education to Secondary

Education. Learned counsel for the respondent-Secondary Education Department submits that in the Form No.10 by mistake, the entries had been made incorrectly and the same on a later date, had been corrected. He, therefore, prays that the present writ petition may be dismissed.

6. I have considered the submissions made at the bar and have gone through the relevant record of the case.

7. The petitioner was appointed on the post of Teacher Grade-III Level-2 and while he was serving as such, he was served with a charge-sheet dated 27.02.2025 issued by the District Education Officer, Secondary Education. The petitioner was under the bonafide impression that since the service benefits in the year 2023 were extended by the department of Elementary Education and as per Form No.10 issued by the respondent-department, the services of the petitioner are reflected to be in the Elementary Education, therefore, there is no reason for the petitioner to disbelieve that he is not serving under the District Education Officer, Elementary Education, but the fact of the matter remains that by virtue of order dated 15.06.2015, the services of the petitioner stood transferred/absorbed in the Secondary Education.

8. The respondents have produced on record a letter dated 15.06.2015, whereby the services of the petitioner stand absorbed to the department of Secondary Education, however, the fact of his services being absorbed to the Secondary Education were not communicated to the petitioner. This Court is of the view that since the services of the petitioner stand absorbed from Elementary Education to Secondary Education vide order dated 15.06.2015, therefore, the factum of not informing the petitioner

of the fact of absorption of his services from Elementary Education to Secondary Education will be of no consequences. The date on which the charge-sheet was issued, the District Education Officer, Secondary Education was the authority competent to issue the charge-sheet, therefore, merely non-communication of the fact that the petitioner's services are governed by the District Education Officer, Secondary Education will not change the position of law, thus, in the considered opinion of this Court, the contention of the learned counsel for the petitioner that the charge-sheet has not been issued by the authority vested with the power to issue the charge-sheet, is found to be erroneous.

9. In view of the discussions made above, the present writ petition fails and the same is hereby dismissed.

(VINIT KUMAR MATHUR),J